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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,098	10/22/2003	Michael J. Wookey	30014200-1113	4762

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EXAMINER	
PHAM, MICHAEL	

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,098	WOOKEY, MICHAEL J.	
	Examiner	Art Unit	
	Michael D. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. Claims 1 - 15 have been examined.

2. Claims 1 - 15 are pending.

3. Claims 1 - 15 are rejected as detailed below.

Drawings

1. Objection to element 612 not shown as described in the specification is withdrawn.

2. Objection to element 710 in figure 7 for not being mentioned in the description has been withdrawn.

Specification

1. Prior objection on [0127] for the first appearance of 622 was to have meant to be 620 is withdrawn.

2. Prior objection on [0126] for what appeared that step 616 is the validation step according to figure 6 and step 618 is the registering step and that in [0126], it suggested that 614 and 616 validate and register respectively is withdrawn.

3. Prior objection on [0135] for it suggesting that 720 is a validating step; however from figure 7 it appears 716 is the validating step is withdrawn.

4. Prior objection for application numbers missing for related cases listed is respectfully withdrawn.

Claim Rejections - 35 USC § 101

Prior rejection to claims 7-12 under 35 U.S.C. 101 has been respectfully withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-8, 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application publication 2002/0095399 by Devine et. al. (hereafter Devine).

Claim 1:

A method in a data processing system having a program, the method comprising the steps of:

providing a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges], **the data being maintained separately from the datatype** [0384, metadata stored

in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.]; **and**

publishing the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.].

Claim 2:

The method of claim 1, wherein the data is not published with the datatype [0072, subscriber may specify that the entire spreadsheet or certain spreadsheet cells (i.e. data is not published with the subscription). If no subscription then data is not published to the subscriber (i.e. no data published.).].

Claim 4:

The method of claim 1, further comprising the step of: registering the datatype [0411, registering connected devices with a service; however the service must be available (i.e. the service must be registered or made available)].

Claim 5:

The method of claim 1, further comprising the step of: registering the key [0390, indexed words and phrases (i.e. registering criteria)].

Claim 6:

The method of claim 1, wherein the metadata includes a plurality of different keys [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications. That is a metadata can consist of many different criteria.].

Claim 7:

A computer-readable medium containing instructions that cause a program in a data processing medium to perform a method comprising the steps of:

providing a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.]; **and**

publishing the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.].

Claim 8:

The computer-readable medium of claim 7, wherein the data is not published with the datatype [0072, subscriber may specify that the entire spreadsheet or certain spreadsheet cells

(i.e. data is not published with the subscription). If no subscription then data is not published to the subscriber (i.e. no data published.).].

Claim 10:

The computer-readable medium of claim 7, further comprising the step of: registering the datatype [0411, registering connected devices with a service; however the service must be available (i.e. the service must be registered or made available)].

Claim 11:

The computer-readable medium of claim 7, further comprising the step of: registering the key [0390, indexed words and phrases (i.e. registering criteria)]..

Claim 12:

The computer-readable medium of claim 7, wherein the metadata includes a plurality of different keys [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications. That is a metadata can consist of many different criteria.]..

Claim 13:

A data processing system comprising:

a memory having a program that: provides a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges. 0055, data processors with memory.], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.], **and**

publishes the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.]; **and**

a processing unit that runs the program [abstract, program executes.].

Claim 14:

A data processing system comprising:

means for providing a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges. 0055, data processors with memory.], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.]; and

means for publishing the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.].

Claim 15:

A data structure comprising:

a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application publication 2002/0095399 by Devine et. al. (hereafter Devine) as applied to claims 1-2, 4-8, and 10-15 above, and further in view of U.S. Patent 6,021,443 by Bracho et. al. (hereafter Bracho).

Claim 3:

Devine discloses **the method of claim 1 however Devine does not explicitly disclose , wherein the reference to the data is a pointer.**

On the other hand, Bracho discloses an adsource reference pointing to an adsource (Figure 6b). This tells were certain events should be sent to (Col. 11 lines 56-61). That is, reference to the data is a pointer for mapping data.

Both inventions are directed towards publishing and subscribing systems. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Devine to have the reference to the data be a pointer based on the disclosure of Bracho for the purpose of mapping data to the correct system.

Claim 9:

Devine discloses **the computer-readable medium of claim 7; however Devine does not explicitly disclose , wherein the reference to the data is a pointer.**

On the other hand, Bracho discloses an adsource reference pointing to an adsource (Figure 6b). This tells were certain events should be sent to (Col. 11 lines 56-61). That is, reference to the data is a pointer for mapping data.

Both inventions are directed towards publishing and subscribing systems. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Devine to have the reference to the data be a pointer based on the disclosure of Bracho for the purpose of mapping data to the correct system.

Response to Arguments

Applicant's arguments filed 8/7/06 have been fully considered but they are not persuasive.

Applicant sole assertion is that Devine fails to disclose or suggest that its metadata includes a key, let alone Applicant's claimed key that enables the datatype to be joined with other datatypes having the key in their respective metadata.

In response the examiner respectfully disagrees. The argued claim limitation states "the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata." However, Applicant's are reminded that a key by definition is merely to identify. Devine discloses on 0064 that the subscriber to *a data Retrieval service* generally has the option to choose to use some or all of the data made available by the publisher. That it is noted that in the preferred implementation all data specified in the service

output is delivered to the subscriber. The subscriber then decides what data to use and what to ignore. The service metadata describes the data provided by the service, and the *subscriber uses an interface to this metadata to specify* what should be used. Devine discloses on 0073 that the culling and compilation may be best effected by means of one or a multiplicity of data Retrieval Services to obtain data meeting specified criteria. Simply put the multiplicity of data retrieval services (datatypes) work together (join datatypes) according to specified criteria (key) in order to obtain culled data. The metadata must contain keys in order to meet the specified criteria because, as Applicant's agree (response page 12), the metadata is used to decide which of the received data to use and which to ignore. Hence the metadata includes a key in order to identify metadata that meets specified criteria, and therefore in summary Devine suggests Applicant's asserted claimed key that enables the datatypes to be joined with other datatypes having the key in their respective metadata. Thus, applicant's assertions are unpersuasive over the cited reference.

Conclusion

The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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